

issue that will need to be addressed for the section of the site on property managed by the Tribe. This path is well defined under the CAA, CWA and CERCLA for EPA lead, but the State of Nevada will be expected to provide a likely precedent setting acknowledgement of Tribal rights if deferral is to proceed. This may include but is not limited to committing to accepting Tribal Environmental Ordinances regionally; including areas throughout the Walker River Watershed and allow the Tribe a final decision making role in much of the site planning.

4 All Work Will Include Onsite Cultural Monitors

The site includes Tribal property and is entirely within the historic range of the Tribe. Mason Valley is rich in cultural sites and artifacts that can be uncovered or disturbed during construction and even general land management. The use of cultural monitors at CERCLA sites is common and the Tribe expects the State to not just suggest or support but enforce this practice to protect cultural resources and guarantee CERCLA equivalent practices.

5 Tribal Preference for Hiring Both Site Staff and Contractors

The Navaho Tribe and even some U.S. EPA Region 9 sites have pioneered Tribal and local preference in hiring for CERCLA sites. The Tribe can work with the lead agencies and the RPs to identify and even train Tribal members and contractors.

6 Meet NRDA Needs for the Site

This issue is addressed directly by correspondence provided by the Yerington Anaconda Mine NRDA Trustee Council of which the Tribe is a member.

7 Identify and designate areas that will include key restoration projects along the Wabuska Drain and Walker River

The Tribe is in the early stages of planning habitat restoration in and near OU7. Those areas should be generally identified prior to deferral to scope the impact of this process, allow planning by the Tribe and ensure initial funds are made available through the state and ARC. The funds can be used to adapt the process to non-CERCLA management and involve agency partners.

8 Support USGS efforts regarding surface water/groundwater monitoring and modeling in the Walker River Watershed

The Tribe has a long history of working with the USGS regarding mine derived contamination in the Walker River Watershed. Some of this work is described in "Trace Element and Radionuclide Concentrations in Walker River Bottom Sediment and Weber Reservoir Sediment Core, West-Central Nevada, 2005" by Carl Thodal and Micheal Lico (Journal of the Nevada Water Resources